



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,476	09/17/2001	Gilad Odinak	WING-1-1012	7752

25315 7590 03/31/2004

BLACK LOWE & GRAHAM, PLLC
701 FIFTH AVENUE
SUITE 4800
SEATTLE, WA 98104

EXAMINER

VAN DOREN, BETH

ART UNIT	PAPER NUMBER
----------	--------------

3623

DATE MAILED: 03/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/955,476

Applicant(s)

ODINAK, GILAD

Examiner

Beth Van Doren

Art Unit

3623

MLJ

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31 and 33-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31 and 33-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3623

DETAILED ACTION

1. The following is a final office action in response to communications received 01/12/04. Claims 31 and 39 have been amended. Claims 31 and 33-44 are now pending in this office action.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 39-40 and 42-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Katz (U.S. 6,344,806).

4. As per claim 39, Katz teaches a computer-based vehicle parking system comprising:
a vehicle-based communication component configured to determine location information of a vehicle (See at least figure 1, column 2, lines 23-33, 45-54, and 66-67, column 3, lines 1-15, column 4, lines 5-10 and 42-47, column 5, lines 37-65, column 6, lines 4-40, column 6, lines 4-

Art Unit: 3623

20, column 7, lines 65-67, column 8, lines 1-20, 35-39, and 54-59, and column 9, lines 60-65, wherein a vehicle-based communication component is disclosed. Location information of a vehicle is determined);

a server (See column 5, lines 43-56, which discloses a server) comprising:

a communication component configured to receive the determined vehicle location information from the vehicle-based communication component (See column 2, lines 23-33, 45-54, and 66-67, column 3, lines 1-15, column 4, lines 5-10 and 42-47, column 5, lines 37-65, column 6, lines 4-40, and column 9, lines 60-65, wherein a communication component of the system receives determined vehicle location information from a vehicle, which includes an authorization signal transmitted by the portable transceiver in the car that a specific spot is paid for);

a processor configured to automatically complete a payment transaction (See column 2, lines 23-33, 45-54, and 66-67, and column 3, lines 1-15, wherein a processor of the system automatically completes payment transaction for the parking space); and

memory for storing transaction completion and vehicle location information (See column 2, lines 23-33, 45-54, and 66-67, column 3, lines 1-18 and 25-32, column 4, lines 5-10 and 42-47, column 5, lines 43-56, column 6, lines 4-21, column 7, lines 1-5 and 66-67, and column 8, lines 10-20 and 55-67, which include memory for storing transaction completion information and vehicle location information); and

a computer based, portable parking attendant device (See column 9, lines 4-10, which discloses the computer based portable parking attendant device) comprising:

Art Unit: 3623

a first component for determining device location information (See column 9, lines 4-10, 17-39, and 61-65, wherein the meter/parking place that is being violated is located and then looking to the meter monitor devices location information indicating a meter monitor that is responsible); and

a second component for sending the determined device location information to the server (See column 9, lines 4-10, 17-39, and 61-65, wherein the geographic place of the meter monitor is known by the server and used to send a meter monitor to a meter),

wherein the processor of the server is further configured to compare stored vehicle location information to received device location information, and determining if a vehicle is within a predefined distance from the parking attendant device based on the comparison (See column 9, lines 4-10, 17-39, and 61-65, wherein the processor of the server compares the vehicle location information concerning a violator to knowledge about the location of a meter monitor device. It is determined based on this comparison if the vehicle in violation is within a predefined geographic distance from the parking attendant (meter monitor) device based on assigned geographic regions), and

wherein the communication component of the server sends the results of the determination to the parking attendant device, and the parking attendant device presents the results of the determination (See column 5, lines 43-56, column 9, lines 4-10, 17-39, and 61-65, wherein when the determination of the comparison is made, the server communicates the results to the parking attendant (meter monitor) device, which is presented to the attendant in the form of vehicle location, information, etc.).

Art Unit: 3623

5. As per claim 40, Katz discloses a system wherein the vehicle-based communication component is configured to send the determined vehicle location after a first vehicle trigger event occurs (See at least column 2, lines 23-33, 45-54, and 66-67, column 3, lines 1-15, column 4, lines 5-10 and 42-47, column 5, lines 37-65, column 6, lines 4-40, and column 9, lines 60-65, wherein a communication component of the system receives determined vehicle location information from a vehicle, which includes an authorization signal transmitted by the portable transceiver in the car that a specific spot is paid for, wherein the communication component of the vehicle is configured to send location information to the server for authorization after the first trigger event of parking occurs).

6. As per claimd 42, Katz teaches a system wherein the server begins a clock after the determined vehicle location is received (See column 2, lines 66-67, column 3, lines 1-18, column 4, lines 15-24 and 58-67, column 7, lines 48-67, column 8, lines 1-16 and 54-61, and column 9, lines 1-10, wherein the server maintains a clock of parking time after vehicle location information is received).

7. As per claim 43, Katz discloses a system wherein the vehicle further comprises a component configured to generate complete transaction signal based on a second trigger event, wherein the communication component of the vehicle is further configured to send the generated complete transaction signal to the server, wherein the transaction completing component is further configured to stop the clock after the server receives the complete transaction signal from the vehicle, and to determine an amount of payment required based on elapsed time of the clock (See column 5, lines 45-56, column 7, lines 66-67, and column 8, lines 1-20, wherein a component is used to generate a completed transaction signal based on a second trigger event

Art Unit: 3623

(end of parking session denoted by pressing of stop button or driving away). The communication component of the vehicle sends a signal to the central system and its server signifying the end of the parking session, which stops the clock and determines the amount to debit based on the elapsed time).

8. As per claim 44, Katz teaches a system wherein the second trigger event comprises at least one of unlocking the door, inserting the key in the ignition switch, opening or closing the vehicle door, starting the vehicle, or moving the vehicle a threshold distance from the vehicle's previous location (See column 5, lines 45-56, column 7, lines 66-67, and column 8, lines 1-20, wherein the second trigger event includes driving out of range/a threshold distance from the vehicle's previous location).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 31 and 33-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manion (U.S. 6,037,880) in view of Katz (U.S. 6,344,806).

11. As per claim 31, Manion teaches a method for verifying vehicle parking comprising:
wirelessly transmitting from a computer-based hand-held parking attendant device location information of the parking attendant device to the server (See figures 1 and 13, column 1, lines 61-67, column 3, lines 20-31, column 4, lines 9-14, and column 7, lines 33-38, wherein

Art Unit: 3623

location information about the attendant is wirelessly transmitted from a computer-based, hand-held communicator device of the attendant to the server of the network);

receiving vehicle information from a communication component (See figure 1, column 1, lines 54-67, column 2, lines 27-35, column 3, lines 17-31, and column 4, lines 33-37, wherein vehicle location information is transmitted from a vehicle to the server);

determining at the server if any vehicles have registered for parking within a neighboring distance from the parking attendant device based on a comparison of the parking attendant location information and received vehicle information (See figures 1 and 13, column 1, lines 45-67, column 3, lines 20-31, column 4, lines 9-14, and column 7, lines 33-38, wherein at the server of the network it is determined if any vehicles have registered for parking within a predefined distances from the parking attendant based on attendant and car location information);

sending the results of the determination to the parking attendant device (See figures 1 and 13, column 1, lines 61-67, column 3, lines 20-31, column 4, lines 9-14, and column 7, lines 33-38, wherein the results are sent to the parking attendant device);

outputting at least a portion of the sent results at the parking attendant device, thereby allowing verification of the vehicle parking (See figures 1 and 13, column 1, lines 61-67, column 3, lines 20-31, column 4, lines 9-14, and column 7, lines 33-38, wherein a portion of the results are outputted at the parking attendant device so authentication of vehicle parking can occur in the area of the attendant);

wherein vehicle information includes information regarding the location of the vehicle (See figure 1, column 1, lines 54-67, column 2, lines 27-35, column 3, lines 17-31, and column 4, lines 33-37, wherein vehicle location information is transmitted from a vehicle to the server).

Art Unit: 3623

However, Manion does not expressly disclose determining if any vehicles have registered for parking within a predefined distance from the parking attendant device or receiving vehicle information from a communication component within the vehicle.

Katz discloses a communication component within the vehicle (See at least figure 1, column 2, lines 23-33, 45-54, and 66-67, column 3, lines 1-15, column 4, lines 5-10 and 42-47, column 5, lines 37-65, column 6, lines 4-40, column 6, lines 4-20, column 7, lines 65-67, column 8, lines 1-20, 35-39, and 54-59, and column 9, lines 60-65, wherein a vehicle-based communication component is disclosed. Location information of a vehicle is determined).

Both Manion and Katz discuss systems that monitor the parking of a vehicle to manage the payment of parking fees and use portable devices associated with parking attendants/meter monitor personnel. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the communication component within the vehicle in order to increase the accuracy of the system by allowing each individual car to communicate with the system.

Furthermore, Manion teaches a tool that considers the proximity of the attendant when determining the location of parked cars recorded by the system. It would have been obvious to one of ordinary skill in the art at the time of the invention to check if vehicles are parked within a predefined distance from the parking attendant in order to increase the efficiency of the tool by assigning the parking attendant that is closest to the vehicle to conserve on travel time.

12 As per claim 33, Manion discloses a method including registering and paying for parking (See column 1, lines 53-67, column 2, lines 27-35, column 3, lines 17-31, and column 4, lines 33-37, wherein the vehicle is recorded in the system and the vehicle pays for parking before the

Art Unit: 3623

system records the vehicle). However, Manion does not expressly disclose automatically completing a payment transaction.

Katz teaches automatically completing a payment transaction (See column 2, lines 65-67, and column 3, lines 1-4 and 7-15, wherein a payment transaction is automatically completed).

Both Manion and Katz discuss systems that monitor the parking of a vehicle to manage the payment of parking fees and use portable devices associated with parking attendants/meter monitor personnel. It would have been obvious to one of ordinary skill in the art at the time of the invention to automatically complete the payment transactions in the system of Manion in order to increase the ease of use of the system for the vehicle owner when parking the car.

13 As per claim 34, Manion teaches a method wherein transmitting occurs after a first vehicle trigger event (See column 1, lines 53-67, wherein transmitting occurs after a first trigger event which is the meter running out of money).

14 As per claim 35, Manion teaches a method wherein transmitting occurs after a first vehicle trigger event (See column 1, lines 53-67, wherein transmitting occurs after a first trigger event which is the meter running out of money). However, Manion does not expressly disclose that the first vehicle trigger event comprises at least one of shutting off the engine, removing the vehicle key from the ignition switch, opening or closing the vehicle door, or locking the vehicle.

Katz teaches a teaches a method wherein transmitting occurs after a first vehicle trigger event (See at least column 2, lines 22-34, 38-54, and 66-67, column 3, lines 1-4 and 7-15, column 6, lines 4-20, column 7, lines 65-67, and column 8, lines 1-20, 35-39, and 54-59, wherein the communication component of the vehicle is configured to send location information to the server for authorization after the first trigger event of parking occurs). However, Katz does not

Art Unit: 3623

expressly disclose that the first vehicle trigger event comprises at least one of shutting off the engine, removing the vehicle key from the ignition switch, opening or closing the vehicle door, or locking the vehicle.

Both Manion and Katz discuss systems that monitor the parking of a vehicle to manage the payment of parking fees and use trigger events to begin portions of the management of the parking. Shutting off the engine, removing the vehicle key from the ignition switch, opening or closing the vehicle door, and locking the vehicle are all activities that occur when a car is stopped in a parking location. The specification is silent about any functional relationship between these activities and the occurrence of the first trigger event, and therefore the activities are non-functional activities. It would have been obvious to one of ordinary skill in the art at the time of the invention to include shutting off the engine, removing the vehicle key from the ignition switch, opening or closing the vehicle door, or locking the vehicle as a first trigger event in order to increase the precision of the charging of parking fees and the reprimanding of violators by more specifically defining the moment a car is stopped in a parking location. It is old and well known that a person shuts off the engine, removes the vehicle key from the ignition switch, opens and closes the vehicle door, and locking the vehicle are steps of stopping a car in parking location.

15 As per claim 36, Manion discloses a method wherein a clock begins after the vehicle is parked and that the server receives information when the clock expires (See column 1, lines 50-67, column 3, lines 13-31, and column 5, lines 64-67, wherein a meter begins after the car is parked. The meter allows the car to park until the money runs out, the money has an associative time based on a rate. When the time runs out, the location information is sent to the remote

Art Unit: 3623

server). However, Manion does not expressly disclose that the server begins a clock after the determined vehicle location is received.

Katz discloses that the server begins a clock after the determined vehicle location is received (See column 2, lines 66-67, column 3, lines 1-18, column 4, lines 15-24 and 58-67, column 7, lines 48-67, column 8, lines 1-16 and 54-61, and column 9, lines 1-10, wherein the server maintains a clock of parking time after vehicle location information is received).

Both Manion and Katz teach systems that monitor the parking of a vehicle to manage the payment of parking fees. It would have been obvious to one of ordinary skill in the art at time of the invention to remotely begin a clock in order to increase the revenue of the parking meter system by more quickly alerting the central system of a vehicle that is violating the parking rules.

16. As per claim 37, Manion does not expressly disclose:

generating a complete transaction signal at the vehicle based on a second trigger event; or
sending the generated completed transaction signal to the server, wherein completing the payment transaction comprises:

stopping the clock after the server receives the complete transaction signal from the vehicle; and

determining an amount of payment required based on elapsed time of the clock.

Katz discloses:

generating a complete transaction signal at the vehicle based on a second trigger event (See column 5, lines 45-56, column 7, lines 66-67, and column 8, lines 1-20, wherein a component is used to generate a completed transaction signal based on a second trigger event (end of parking session denoted by pressing of stop button or driving away)); and

Art Unit: 3623

sending the generated completed transaction signal to the server (See column 5, lines 45-56, column 7, lines 66-67, and column 8, lines 1-20, wherein the completed transaction signal is sent to the server or the central computer system), wherein completing the payment transaction comprises:

stopping the clock after the server receives the complete transaction signal from the vehicle (See column 5, lines 45-56, column 7, lines 66-67, and column 8, lines 1-20, wherein the clock monitoring the elapsed time is stopped); and

determining an amount of payment required based on elapsed time of the clock (See column 5, lines 45-56, column 7, lines 66-67, and column 8, lines 1-20, wherein a payment amount is determined based on elapsed time).

Both Manion and Katz discuss systems that monitor the parking of a vehicle to manage the payment of parking fees and use portable devices associated with parking attendants/meter monitor personnel. It would have been obvious to one of ordinary skill in the art at the time of the invention to use a second trigger event to indicate the end of a parking session in order to more accurately identify the vehicles that are violating their parking by pinpointing the moment that the car ends its parking time. Inserting the key in the ignition switch, opening or closing the vehicle door, starting the vehicle, or moving the vehicle a threshold distance from the vehicle's previous location are all old and well known ways a person ends their parking experience.

17. As per claim 38, Manion does not expressly disclose that the second trigger event comprises at least one of unlocking the door, inserting the key in the ignition switch, opening or closing the vehicle door, starting the vehicle, or moving the vehicle a threshold distance from the vehicle's previous location.

Art Unit: 3623

Katz discloses that the second trigger event comprises at least one of unlocking the door, inserting the key in the ignition switch, opening or closing the vehicle door, starting the vehicle, or moving the vehicle a threshold distance from the vehicle's previous location (See column 5, lines 45-56, column 7, lines 66-67, and column 8, lines 1-20, wherein the second trigger event includes driving out of range/a threshold distance from the vehicle's previous location).

Both Manion and Katz discuss systems that monitor the parking of a vehicle to manage the payment of parking fees and use portable devices associated with parking attendants/meter monitor personnel. It would have been obvious to one of ordinary skill in the art at the time of the invention to use a second trigger event to indicate the end of a parking session in order to more accurately identify the vehicles that are violating their parking by pinpointing the moment that the car ends its parking time. Inserting the key in the ignition switch, opening or closing the vehicle door, starting the vehicle, or moving the vehicle a threshold distance from the vehicle's previous location are all old and well known ways a person ends their parking experience.

18. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katz (U.S. 6,344,806).

19. As per claim 41, Katz discloses a system wherein the communication component of the vehicle is configured to send the determined vehicle location after a first vehicle trigger event occurs (See at least column 2, lines 22-34, 38-54, and 66-67, column 3, lines 1-4 and 7-15, column 6, lines 4-20, column 7, lines 65-67, and column 8, lines 1-20, 35-39, and 54-59, wherein the communication component of the vehicle is configured to send location information to the server for authorization after the first trigger event of parking occurs). However, Katz does not

Art Unit: 3623

expressly disclose that the first vehicle trigger event comprises at least one of shutting off the engine, removing the vehicle key from the ignition switch, opening or closing the vehicle door, or locking the vehicle.

Katz teaches a system wherein the trigger event occurs due to the car stopping in a parking position. Shutting off the engine, removing the vehicle key from the ignition switch, opening or closing the vehicle door, and locking the vehicle are all activities that occur when a car is stopped in a parking location. The specification is silent about any functional relationship between these activities and the occurrence of the first trigger event, and therefore the activities are non-functional activities. It would have been obvious to one of ordinary skill in the art at the time of the invention to include shutting off the engine, removing the vehicle key from the ignition switch, opening or closing the vehicle door, or locking the vehicle as the first trigger event in order to increase the speed and accuracy of the parking management in charging parking fees by more specifically defining the moment a car is stopped in a parking location. It is old and well known that a person shuts off the engine, removes the vehicle key from the ignition switch, opens and closes the vehicle door, and locking the vehicle are steps of stopping a car in parking location.

Response to Arguments

20. Applicant's arguments with regards to the rejections based on Katz (U.S. 6,344,806) have been fully considered but they are not persuasive. In the remarks, Applicant argues that (1) Katz does not teach or suggest that the portable transponder determines location information of the vehicle and there is no connection between the authorization signal generated by transceiver 10 and the information of whether a space is occupied as determined by the unit 50, and therefore

Art Unit: 3623

Katz fails to teach and suggest that a vehicle-based communication component is configured to determine location information of the vehicle.

In response to argument (1) of the Applicant, Examiner reasserts at least figure 1, column 2, lines 23-33, 45-54, and 66-67, column 3, lines 1-15, column 4, lines 5-10 and 42-47, column 5, lines 37-65, column 6, lines 4-40, and column 9, lines 60-65. Figure 1 discloses element 10, which is described as “integrated with or mounted to a vehicle, such as transceiver 10 in vehicle 11 of figure 1. In [some] cases, the portable transponder may be integrated into the vehicle, as is a radio, and powered by a vehicle power source” in at least column 6, lines 20-30. The vehicle-based communication component receives location information from interacting with the sensors and/or meters around the component and directly communicates with the central computer system regarding the payment of the fee for the specific spot in which the car is located. The claims recite “a vehicle-based communication component configured to determine location information of a vehicle”, which does not explicitly recite how the location information is determined or what comprises the location information (i.e. location information could be expected payment based on where the vehicle is parked). Therefore, the vehicle-based communication component receiving location information and directly communicating with the central computer system regarding the payment of the fee for the specific spot in which the car is located is vehicle location information based on the claimed limitations.

21. Applicant's arguments with respect to the rejection of claim 31 based on Manion (U.S. 6,037,880) have been considered, but are moot in view of the new grounds of rejection, as necessitated by amendment. Claim 31 is now rejected under 35 U.S.C. § 103 as being

Art Unit: 3623

unpatentable over Manion (U.S. 6,037,880) and Katz (U.S. 6,344,806) in light of the amendments made.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (703) 305-3882. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Art Unit: 3623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bvd

bvd

March 25, 2004


TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 0000